

By: Anchia

H.B. No. 866

A BILL TO BE ENTITLED

AN ACT

relating to the replacement of certain gas pipelines with plastic pipelines; clarifying changes to related administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 121.206(a) and (d), Utilities Code, are amended to read as follows:

(a) The railroad commission may assess an administrative penalty against a person who violates Section 121.201 or a safety standard or other rule prescribed or adopted under this subchapter ~~[that section]~~.

(d) The railroad commission by rule shall adopt guidelines to be used in determining the amount of a penalty under this subchapter. The guidelines shall include a penalty calculation worksheet that specifies the typical penalty for certain violations, circumstances justifying enhancement of a penalty and the amount of the enhancement, and circumstances justifying a reduction in a penalty and the amount of the reduction. The guidelines shall take into account:

(1) the person's history of previous violations of Section 121.201 or a safety standard or other rule prescribed or adopted under this subchapter ~~[that section]~~, including the number of previous violations;

(2) the seriousness of the violation and of any pollution resulting from the violation;

- 1           (3) any hazard to the health or safety of the public;  
2           (4) the degree of culpability;  
3           (5) the demonstrated good faith of the person charged;  
4 and  
5           (6) any other factor the commission considers  
6 relevant.

7           SECTION 2. Subchapter E, Chapter 121, Utilities Code, is  
8 amended by adding Section 121.213 to read as follows:

9           Sec. 121.213. REQUIRED PIPELINE MATERIALS. (a) A  
10 distribution gas pipeline facility operator may not install as part  
11 of the operator's system a cast iron, wrought iron, or bare steel  
12 pipeline.

13           (b) A distribution gas pipeline facility operator shall  
14 replace any cast iron, wrought iron, or bare steel pipelines  
15 installed as part of the operator's facility with plastic pipelines  
16 not later than December 31, 2020.

17           (c) Subsection (b) and this subsection expire September 1,  
18 2021.

19           SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2019.